

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRIAN WAYNE BRUCE,

Plaintiff,

v.

J. GUERRA, et al.,

Defendants.

Case No. 1:20-cv-01625-AWI-EPG (PC)

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT CERTAIN
CLAIMS AND DEFENDANTS BE
DISMISSED

(ECF NOS. 1 & 6)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

Brian Bruce (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

Plaintiff filed the complaint commencing this action on November 17, 2020. (ECF No. 1). The Court screened Plaintiff’s complaint. (ECF No. 6). The Court found that only the following claim should proceed past the screening stage: Plaintiff’s Fourteenth Amendment due process claim against defendants Guerra, Snow, Edwards, and Valenzuela. (*Id.*).

The Court gave Plaintiff thirty days to either: “a. File a First Amended Complaint; b. Notify the Court in writing that he wants to stand on his complaint; or c. Notify the Court in writing that he does not want to file an amended complaint and instead wants to proceed only on his Fourteenth Amendment due process claim against defendants Guerra, Snow, Edwards, and Valenzuela.” (*Id.* at 12). On December 14, 2020, Plaintiff notified the Court that he wants to proceed only on the claim found cognizable in the screening order. (ECF No. 9).

Accordingly, for the reasons set forth in the Court’s screening order that was entered on

December 2, 2020 (ECF No. 6), and because Plaintiff has notified the Court that he wants to proceed only on the claim found cognizable in the screening order (ECF No. 9), it is HEREBY RECOMMENDED that all claims and defendants be dismissed, except for Plaintiff's Fourteenth Amendment due process claim against defendants Guerra, Snow, Edwards, and Valenzuela.

These findings and recommendations will be submitted to the United States district judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen (14) days** after being served with these findings and recommendations, Plaintiff may file written objections with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: **December 15, 2020**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE